

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 12TH DAY OF DECEMBER 2012

: PRESENT :

THE HON'BLE MR.VIKRAMAJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WRIT PETITION No. 47342 / 2012 (GM-RES-PIL)

BETWEEN

SUO MOTU.

... PETITIONER

(BY SRI HASHMATH PASHA, AMICUS CURIAE.)

AND

1. THE STATE OF KARNATAKA
DEPARTMENT OF HOME AFFAIRS,
VIDHANA SOUDHA, DR AMBEDKAR VEEDHI,
BANGALORE-560001, BY ITS SECRETARY.
2. THE DIRECTOR GENERAL & INSPECTOR
GENERAL OF POLICE,
NRUPATHUNGA ROAD, BANGALORE-560001.

... RESPONDENTS

(BY H.S.CHANDRAMOULI, SPP, A/W SRI R.DEVDAS, AGA.)

WRIT PETITION IS REGISTERED AS SUO MOTU
HIGHLIGHTING THE DEATH OF SRI LINGARAJU, SOCIAL
ACTIVIST, PUBLISHED IN VARIOUS NEWSPAPERS.

THIS WRIT PETITION COMING ON FOR PRELIMINARY
HEARING THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

Vikramajit Sen, CJ (Oral)

A memo has been filed by the learned AGA stating that the Government has no objection to constitute a Special Investigation Team (SIT) under the Chairmanship of Sri Pranab Mohanty, Joint Commissioner of Police, Crime (West), Office of the Commissioner of Police, Bangalore, and Sri Abdul Ahad, SP-CID, as one of the members of the said team, for handing over the investigation of the death of Sri Lingaraju. We constitute the SIT comprising the two officers granting the Chairman liberty to co-opt any other officer if the need is so felt. The SIT to complete its investigation on or before 10.2.2013.

2. The memo also annexes Notification dated 11.12.2012 withdrawing the previous Notification No. HD.124.CWP.2012 dated 4.12.2012. On behalf of the State, it is recommended that Sri Sadashiva Murthy, Former Director of Prosecution, may be appointed as the Special Public Prosecutor. We welcome this suggestion

and direct that the Notification in this regard be issued forthwith.

3. We also take note of the statement of the learned AGA that the Corporator in question viz., Gowramma, has been arrested from Thanjavur in Tamil Nadu at 9.30 a.m. today. Sri H.S.Chandramouli, learned SPP, is present and joins Sri R.Devdas, AGA, to assure the Court that adequate protection will be given to all the witnesses in this case.

4. No Rules or Regulations for the protection of witnesses or whistle blowers have been brought in place so far as the State of Karnataka is concerned. We, therefore, recommend that the policy for providing security to whistle blowers/Right to Information activists/complainants or witnesses in serious cases as extended in the State of Haryana vide Notification dated 6.9.2011 be complied with in this case. We expect that Rules and Regulations in this regard should be formulated by the State Government expeditiously.

5. We appreciate the services rendered to the Court by the learned Amicus Curiae and as a token honorarium, we direct the State to pay a sum of Rs.40,000/-. These proceedings are concluded in view of the above circumstances.

At this stage, the learned Amicus Curiae states that on receipt of the amount, he shall forward it to the widow of the deceased. We further appreciate this gesture of the learned Amicus Curiae.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

ckc/-